

Notice is also given that Lykes has been authorized to be a party to operating agreements under the Maritime Security Program (MSP) Contract Nos. MA/MSP-21 through MA/MSP-23. Section 656 of the Act provides that no contractor or related party shall receive MSP payments during a period when it participates in a noncontiguous trade without written permission. The SEA-LAND NAVIGATOR operates in the noncontiguous trade to Hawaii. Sea-Land made application under section 656 for the operation of the SEA-LAND NAVIGATOR among others. A Gilman subsidiary is the Owner Participant of the SEA-LAND NAVIGATOR. The section 656 aspects are being addressed in Docket MSP-002.

The application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in Lykes' request and desiring to submit comments concerning the request must by 5:00 PM on April 16, 1997, file written comments in triplicate with the Secretary, Maritime Administration, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to intervene is received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such actions as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.805 (Operating-Differential Subsidy)).

Dated: April 7, 1997.

By order of the Maritime Administrator.

Joel C. Richard,
Secretary.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 96-110; Notice 2]

Cosco, Inc.; Mootness of Application for Decision of Inconsequential Noncompliance

On August 29, 1996, Cosco, Inc. (Cosco), filed an application with the agency for exemption from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for noncompliance with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 213 "Child Restraint Systems."

Notice of receipt of the application was published on October 29, 1996, and an opportunity afforded for comment (61 FR 55836). The comment closing date was November 29, 1996. The reader is referred to that notice for further information.

After the comment period closed, in a December 6, 1996, letter to the agency, Cosco made a request to withdraw its application for the following reasons:

Upon further review, we (Cosco) do not believe these booster seats (Cosco Grand Explorer-Model #02-424 OXF and 02-424 GDM) fall under the jurisdiction of this section (S5.2.3.2 of S5.2.3, Head Impact Protection). S5.2.3.1 specifies the child restraints systems which must meet the S5.2.3.2 criteria:

S5.2.3.1 Each child restraint system, other than a child harness, which is recommended under S5.5.2(f) or children whose masses are less than 10 kg, shall comply with S5.2.3.2.

The booster seats in question are recommended for 30 lbs. (13.6 kg) to 60 lbs. (27 kg), therefore, they are not recommended for children under 10 kg and the booster seats are not required to meet S5.2.3.2.

After review of Standard No. 213 and the facts of this case, the agency agrees with Cosco's interpretation of the applicable sections of the Standard. Therefore, Cosco's application is moot, and the agency is closing Docket No. 96-110 without making a decision on Cosco's application.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: April 3, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PDA-15(R)]

Application by Association of Waste Hazardous Materials Transporters for a Preemption Determination as to Houston, Texas, Requirements on the Storage, Use, Dispensing and Handling of Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public Notice Reopening Comment Period.

SUMMARY: RSPA is reopening the comment period on the application by the Association of Waste Hazardous Materials Transporters (AWHMT) for an administrative determination that Federal hazardous material transportation law preempts certain provisions of the Fire Code of the City of Houston, Texas (Houston Fire Code), relating to the storage, use, dispensing, and handling of hazardous materials. In November 1996, the Houston City Council amended the Houston Fire Code, including provisions challenged in AWHMT's application. The comment period is being reopened to allow interested parties the opportunity to comment upon the amended requirements in the Houston Fire Code and the manner in which these requirements are presently being applied and enforced.

DATES: Comments received on or before May 27, 1997, and rebuttal comments received on or before July 8, 1997, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and all comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, Room 8421, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590-0001 (Tel. No. 202-366-4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA-15(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must also be sent to (1) Mr. Charles Dickhut, Chairman, Association of Waste Hazardous Materials Transporters, 2200 Mill Road, Alexandria, VA 22314, and (2) Mr. Gene